



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

May 31, 2006

The Honorable Robert Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4595, R-342.

H. 4595 would set requirements for the sale and installation of residential heating and air conditioning systems, and would allow the Department of Labor, Licensing and registration to set civil penalties for violating regulations.

There are many licensed contractors in South Carolina who do a great job in providing heating and air services for people in our state. They are to be commended. Unfortunately, as just mentioned, this bill goes well beyond simple licensing requirements. It is for this reason that I am vetoing this bill.

I don't believe it is government's role to tell a willing buyer and seller that a transaction is illegal when the consequence of that transaction does not entail material harm to the public at large. If the buyer knows that the installer is not licensed and proceeds anyway, it is the buyer's right to do so. This bill will eliminate competition, and drive the cost of selling and installing heating and air conditioning systems higher. For example, one legislator happens to have a close family member who graduated from a technical college and has a great deal of knowledge in the area of heating and cooling, but happens not to be licensed. This bill would make it illegal for this legislator to purchase the services of his own son, even though he is fully cognizant of the fact that his son isn't licensed. Leaving aside the above example, I think that is misguided for anyone not to be able to use their handyman of choice, including those that might be a cousin or relative.

A law saying that a potential buyer must be informed as to whether an installer is licensed, and/or one that makes the fraudulent claim of being licensed may be sufficiently narrow to protect the public interest without severely restricting the right to contract. But this bill injects the state too firmly into the market. The quality of work of the licensed installers should speak for itself, without the need for the state government to create a captive market.

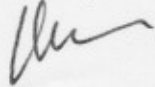
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Therefore, I am returning H. 4595 without my signature.

Sincerely,

A handwritten signature in dark ink, appearing to be 'MS', written in a cursive style.

Mark Sanford

cc: The Honorable Harry F. Cato